

Peter N. Wang (PW 9216)
Robert A. Scher (RS 2910)
FOLEY & LARDNER LLP
90 Park Avenue
New York, NY 10016-1314
Telephone: 212.682.7474
Facsimile: 212.687.2329

and

Michael M. Conway (admitted *pro hac vice*)
Amy P. Purcell (admitted *pro hac vice*)
Rebecca R. Hanson (admitted *pro hac vice*)
FOLEY & LARDNER LLP
321 North Clark Street, Suite 2800
Chicago, IL 60610
Telephone: 312.832.4351
Facsimile: 312.832.4700

*Attorneys for Plaintiff-Counterdefendant
Navigant Consulting, Inc.*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NAVIGANT CONSULTING, INC., a Delaware
corporation,

Plaintiff-Counterdefendant,

v.

JESS VARUGHESE, an individual,

Defendant-Counterplaintiff.

Case No. 07 CIV 4854 (PKL)

**NOTICE OF MOTION TO DISMISS
AMENDED COUNTERCLAIM**

JURY TRIAL DEMANDED

PLEASE TAKE NOTICE that Plaintiff/Counterdefendant Navigant Consulting, Inc. will move the Court (Hon. Peter K. Leisure), at the United States Courthouse, 500 Pearl Street, Courtroom 18B, New York, New York, at a date and time convenient to the Court, for an order dismissing Counts I and II of the Defendant/Counterplaintiff Jess Varughese's

Counterclaim pursuant to Fed. R. Civ. P. 12(b)(6) on the grounds that each fails to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that the parties have conferred and agreed that any opposing affidavits and answering memoranda shall be served on or before September 10, 2007.

Dated: August 22, 2007
Chicago, Illinois

Respectfully Submitted,

FOLEY & LARDNER LLP

By: /s/ Rebecca R. Hanson

Peter N. Wang (PW 9216)

Robert A. Scher (RS 2910)

FOLEY & LARDNER LLP

90 Park Avenue

New York, NY 10016-1314

Telephone: 212.682.7474

Facsimile: 212.687.2329

and

Michael M. Conway (admitted *pro hac vice*)

Amy P. Purcell (admitted *pro hac vice*)

Rebecca R. Hanson (admitted *pro hac vice*)

FOLEY & LARDNER LLP

321 North Clark Street, Suite 2800

Chicago, IL 60610

Telephone: 312.832.4351

Facsimile: 312.832.4700

*Attorneys for Plaintiff-Counterdefendant
Navigant Consulting, Inc.*

TO: Karen H. Bromberg
Alexandria Wald
Cohen & Gresser LLP
100 Park Avenue, 23rd Floor
New York, New York 10017

*Attorneys for Defendant-
Counterplaintiff Jess Varughese*